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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION

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S1

August 5, 2013

10-AMA-104-PM R5.02
 CDCR Level II Infill Project
 Mule Creek State Prison
 SCH # 2012122038
 DEIR

Robert Sleppy
 California Department of Corrections and Rehabilitation
 Office of Facility Planning, Construction and Management
 9838 Old Placerville Road, Suite B
 Sacramento, CA 95827

Dear Mr. Sleppy:

The California Department of Transportation (Department), District 10 (District 10) appreciates the opportunity to review and provide comments on the Draft Environmental Impact Report (DEIR) for the proposed California Department of Corrections and Rehabilitation (CDCR) Level II Infill Correctional Facilities Project (Project). The Project proposes construction and operation of up to three new 792-bed Level II prison dormitory correctional facility units at five potential locations throughout the state including the Mule Creek State Prison (MCSP) on State Route (SR) 104 in Ione, Amador County. The preferred alternative for the project proposes locating two of the 792-bed units at MCSP, but one or no units could be built at MCSP. District 10 previously responded to the Notice of Preparation (NOP) for the Project.

S1-1

The Project could have impacts in multiple Department districts. This letter addresses potential impacts within District 10 at MCSP.

The DEIR identifies significant and unavoidable impacts at multiple intersections on the State Highway System (SHS) including several in the City of Ione and the SR 88/SR 104/Jackson Valley Road (east) intersection. The details of which intersections see increased delays greater than five seconds varies depending on whether the complex or single facility is considered and under the existing, existing plus approved projects, and cumulative scenarios. But in all cases there are significant impacts to intersections that warrant contributions to regional funding of improvements to mitigate impacts to SHS facilities pursuant to Amador County General Plan and Amador County Regional Transportation Plan (RTP) policies.

S1-2

The Ione interim west bypass is included in Tier 2 of the RTP. The Ione interim west bypass has been renamed the Western Ione Roadway Improvement Strategy (WIRIS), and the City of Ione considers contributions to funding of the WIRIS the appropriate mitigation for impacts to the downtown intersections. Amador County RTP policy 1B(18) identifies payment of the Regional

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Transportation Mitigation Fee (RTMF) as the appropriate mitigation for impacts to regional transportation through funding Tier 2 projects.

S1-2 cont'd

Improvements to the SR 88/SR 104/Jackson Valley Road (east) intersection are identified as a potential mitigation for impacts at that intersection. No project to improve that intersection is included in the RTP. Amador County General Plan and RTP policy 1B(19) identifies payment of a 'fair-share' contribution as the appropriate mitigation for impacts to regional transportation by funding projects that are not in Tier 1 or Tier 2 of the RTP.

S1-3

The DEIR identifies significant and unavoidable impacts on the SR 88 mainline east of Jackson Valley Road (east) under the existing plus approved projects and cumulative scenarios for both the single unit and complex proposals. No mitigation is proposed for these impacts. Amador County General Plan and RTP policy 1B(19) identifies payment of a 'fair-share' contribution as the appropriate mitigation for impacts to regional transportation by funding projects that are not in Tier 1 or Tier 2 of the RTP.

S1-4

The Department is increasingly dependent on contributions from local and regional partners to fund regional improvement projects on the SHS. For this project, the Department is faced with numerous significant impacts to the SHS that require payment of fees and 'fair-share' contributions as mitigation. Because these payments will be based on the trip generation estimates provided by CDCR, the Department recommends additional documentation of trip generation and a provision for performing traffic counts and making payment adjustments if occupancy and staffing of the facility increases beyond anticipated levels.

S1-5

The staffing-level data presented in the DEIR shows an impressive level of detail and appears appropriate for internal CDCR planning. For public disclosure purposes it may be more defensible to compare those projections against staff to inmate ratios for Level II facilities statewide or to those at similar existing Level II facilities. The Department recommends that CDCR prepare a short technical memo presenting staffing levels at existing facilities to support the trip generation estimates for the Project and to ensure that the mitigation fees paid for the Project are proportional to the impacts created.

In discussing the scope of the Traffic Impact Study for the project it was noted that the Notice of Preparation for the project was not clear about what level of occupancy was proposed for the facility. CDCR explained that, traditionally, both single-bed "design" occupancy and double (bunk) bed occupancy have been considered as alternatives for new facilities, but that due to the federal court standard enforced on CDCR, the Project would consider a single alternative with occupancy of the infill units at 1.37 times the single-bed design capacity. Past levels of statewide and MCSP occupancy have greatly exceeded that ratio. Statewide, the current occupancy including all levels is approximately 1.5 times the design capacity of the system. Higher occupancies are common for Level II facilities.

S1-6

CDCR cannot fully forecast or control future occupancy and staffing levels at MCSP. The Department recommends that a Mitigation Measure be added to the project requiring traffic counts be performed at the prison entrance when occupancy initially passes 1.5, 1.75, and 2.0 times the design occupancy level. Those counts would be used to re-evaluate the RTMF and

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'fair-share' payments to ensure that the mitigation fees paid for the Project are proportional to the impacts. The Department requests that the Final Environmental Impact Report confirm the use of the 1.37 occupancy target and state the corresponding design capacity of the infill units for the purposes of implementing the mitigation measure.

S1-6 cont'd

The proposed temporary construction entrance will require a Caltrans encroachment permit. District 10 has several concerns about the proposed layout shown in Exhibit 3.11-6. The length of paved road approach extending north from the SR 104 right of way line needs to be sufficient to prevent potential queue spillback to the westbound SR 104 mainline during the peak hours of entry to the construction site and to prevent storm water issues due to sediment tracking. The exhibit shows an attempt to create a westbound right turn lane at the construction entrance by re-striping the existing roadway. The roadway may need to be widened to accommodate turning trucks and prevent damage to the shoulder.

S1-7

Mitigation Measure 3.11-4 proposes to prepare and implement a construction traffic management plan (TMP). This proposed TMP, which may involve traffic control, signing, and temporary signalization, will need to be reviewed and approved through the encroachment permit process.

S1-8

The Encroachment Permit Office will offer to provide a courtesy meeting to review geometric layout before construction plans are prepared. The permit application must include plans, specifications, and estimate and a longitudinal encroachment exception request for the temporary construction entrance at the existing 20-foot wide locked gate in access controlled right of way on SR 104.

S1-9

Storm water and CEQA compliance must be submitted with the encroachment permit application. The Department's storm water permit does not address activities performed under encroachment permits. The storm water permitting for the Project should address construction activities within the SR 104 right of way under the encroachment permit.

S1-10

Appropriate environmental studies must be submitted with the encroachment permit application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans right of way at the site of the encroachment.

Impacts 3.7-2a and 3.7-2b are identified as significant impacts. Since storm water flow from the project site enters SR 104 drainage facilities, these are impacts to Department facilities. Both impacts are proposed to be mitigated by Mitigation Measure 3.7-2 which proposes preparation of drainage plans to ensure the constructed facility will attenuate flows of 10-year and 100-year storms to pre-project levels. No study is provided with the DEIR to show that the impacts will be mitigated. The Department cannot concur that Mitigation Measure 3.7-2 will reduce the impact to a less-than-significant level and reiterates its comment from its NOP response: "A drainage study will be needed [for the DEIR] to assess these impacts and ensure there would not be adverse impacts to State facilities."

S1-11

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If you have any questions or would like to discuss these comments, please contact Carl Baker at (209) 948-7325 (e-mail: carl.baker@dot.ca.gov), or me at (209) 948-7112 (e-mail: john.gedney@dot.ca.gov)

A handwritten signature in blue ink, appearing to read "John Gedney".

John Gedney, Chief
Office of Rural Planning

c: Charles Field, Executive Director, Amador Transportation Council
Christopher Jordan, Planning Director, City of Ione
Aaron Brusatori, Director, Amador County Public Works Agency

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**Letter
S1
Response**

John Gedney, California Department of Transportation
August 5, 2013

- S1-1 The introductory remarks regarding the commenter's understanding of the proposed project at MCSP are noted.
- S1-2 Comments that implementation of a level II correctional facility at the MCSP Infill Site would cause traffic impacts, which should be mitigated by contributions of regional funding, are noted. Consistent with this comment, Mitigation Measure 3.11-1 (DEIR Volume 3) requires CDCR to pay Amador County's regional transportation fee. CDCR will also negotiate with the Amador County Transportation Commission (ACTC) to establish a fee for CDCR's fair share contribution for a traffic signal at the intersection of SR 88/104/Jackson Valley Road (east). The project's is estimated to generate 3.6 percent of the traffic to this intersection. Further, although no significant impacts to City of lone facilities were identified in the DEIR, using the City's LOS standards, the project would nevertheless generate substantial traffic on City roads. City roads are already congested at certain times of the day and the project will add to this congestion. CDCR will, therefore, pay fees derived from the City's current fee program (current as of the DEIR). Mitigation Measure 3.11-1 as shown on page 3.11-27 of Volume 3 of the DEIR has been modified as follows:

Mitigation Measure 3.11-1

CDCR will pay fees consistent with the County's regional transportation fee program; will negotiate with ACTC to establish a fee based on CDCR's fair share contribution to future improvements; and will pay fees consistent with the City of lone's areawide transportation fee program. These fees would be used to fund transportation improvement projects to which the project would contribute traffic, including, which would include CDCR's fair share contribution towards the installation of a traffic signal at the intersection of SR 104, SR 88, and Jackson Valley Road, as well as other circulation improvement projects. These projects would be selected by the ACTC and the City of lone, as appropriate. This mitigation measure will be implemented prior to occupancy.

As noted in the more detailed responses to comments by the City and ACTC (please refer to Responses to Comments L6-4 and L6-5), CDCR has currently estimated fees to be \$296,432 to Amador County and \$244,640 to the City of lone. In addition, CDCR would negotiate with ACTC to establish an appropriate fair-share fee for a traffic signal at the SR 88/104/Jackson Valley Road (east) intersection. The project would generate 3.6 percent of the traffic at this intersection.

- S1-3 CDCR understands that the Amador Regional Transportation Plan (RTP) policy 1B(18) identified payment of the Regional Transportation Mitigation Fee as the appropriate mitigation for impacts to regional transportation through funding projects that are not in Tier 1 or Tier 2 of the RTP. CEQA defines mitigation to include: avoiding, minimizing, rectifying, reducing or eliminating, or compensating for an impact (CEQA Guidelines Section 15370). Mitigation Measure 3.11-1 (DEIR Volume 3) requires CDCR to pay Amador County's regional transportation fee and to negotiate a fair-share fee for intersection improvements with ACTC, both of which would incorporate CDCR's fair share contribution towards the installation of a traffic signal at the intersection of SR 104, SR 88, and Jackson Valley Road. The project's fair share contribution to this intersection is estimated to be 3.6 percent.

The DEIR states, in agreement with this comment, that signalization of this intersection is not a planned improvement (DEIR Volume 3, page 3.11-27). The discussion of significance after mitigation on page 3.11-27 states that:

...implementation of Mitigation Measure 3.11-1 is within the responsibility and jurisdiction of another public agency, Caltrans, and not CDCR. Further, Caltrans and Amador County have indicated that there are no proposed or planned improvements at this intersection and thus, payment of regional transportation fees would not be expected to result in direct improvement of this intersection....As a result, implementation of this mitigation is considered infeasible.

To clarify, CDCR is willing to pay a fair share contribution towards the improvement of this intersection but understands that the improvement would likely not occur as it is not planned. If the improvement would not occur, this component of the measure would be infeasible and CDCR would not pay additional funds (beyond payment of the City and ACTC fees). ACTC prioritizes regional projects, and would be responsible for prioritizing funding for this intersection if it wanted to apply its regional funds toward its improvement (CDCR traffic would be a small percentage of the traffic using this intersection). Please refer to Response to Comment S1-2.

- S1-4 As discussed above (see Response to Comment S1-3), CDCR understands that the Amador County RTP policy 1B identifies payment as the appropriate mitigation for impacts to regional transportation by funding projects that are not in Tier 1 or Tier 2 of the RTP. As described under the sub-heading “Significance after Mitigation,” of Impact 3.11-8a and b in Volume 3 of the DEIR, this impact could be mitigated by widening SR 88 to four lanes, but the widening is not considered feasible due to funding constraints. CDCR will provide funds for payment of appropriate transportation fees, as stated above in Response to Comment S1-2.
- S1-5 The staffing proposed for the project is based on CDCR’s long-standing experience for staffing its prisons. Detailed position budgeting calculations have been conducted by CDCR and are subject to review by the Department of Finance. These calculations are available for review if Caltrans (or any other entity) wishes to review them. CDCR is confident its proposed staffing is correct, and no information has been presented that would dispute it.
- Staffing is tied to programming and inmate population. With regard to the inmate population, the numbers of inmates that would be accommodated by the project, 792 in a single facility (proposed at RJD) and 1,584 at a complex (proposed at MCSP), are operational occupancies addressed in this environmental review process. CDCR does not expect an increase in inmate populations associated with this project above these limits, especially in light of federal court orders on overcrowding.
- CDCR is well aware of its prior history of overcrowding prison facilities, and is under orders from federal courts to reduce its overcrowding. Consistent with its Blueprint (see DEIR Volume 1, Section 2), CDCR is committed to various programs to reduce its overall inmate population. CDCR is confident the trip generation estimates are accurate, and that its staffing/inmate levels will not increase above those shown in the DEIR.
- CDCR is committed to mitigating its traffic impacts to the degree feasible and consistent with local community values (including roadways through historic parts of Lone that should not be altered because of secondary effects such as removal of historic buildings), and will pay its fair share of traffic fees based on trip generation.

- S1-6 The commenter is correct that, in the past, statewide prisons have exceeded design capacity. However, as noted above in Response to Comment S1-5, the proposed Level II Infill Correctional Facilities Project established 792 inmates for a single facility and 1,584 inmates for a complex as operational capacities. CDCR does not expect inmate populations to increase above these respective design levels within the proposed facilities. Please refer to Response to Comment S1-5 for further information.
- S1-7 The need to obtain a Caltrans encroachment permit was noted in Section 2.3.3 of DEIR Volume 1.
- Exhibit 3.11-6 in Volume 3 of the DEIR portrays a conceptual illustration of the proposed temporary construction entrance at MCSP. Refined design details, including assurances that turning trucks would be accommodated, would be considered after certification of the EIR and adoption of the chosen project alternatives as well as through the encroachment permit process.
- S1-8 The first paragraph of Mitigation Measure 3.11-4 (DEIR Volume 3) states that, “CDCR will prepare a construction traffic management plan (TMP) in consultation with the applicable transportation entities, including Caltrans...” In addition, Caltrans is listed as a state responsible agency on page 1-3 of Volume 3 of the DEIR, related to encroachment permits and potential transportation improvements within Caltrans right-of-way. As noted in the DEIR, CDCR would obtain all necessary encroachment permits before initiation of project construction.
- S1-9 The process for applying for Caltrans encroachment permits, as it applies to construction at the MSCP, is noted.
- S1-10 The process for applying for Caltrans encroachment permits, as it applies to construction at the MSCP, is noted.
- S1-11 CDCR appreciates Caltrans’ comments regarding the drainage study; however, the performance standards included in the CDCR mitigation are commonly achievable, and no question has been raised regarding the feasibility of addressing changes in runoff from the new prison site. As with many costly engineering studies (geotechnical studies, drainage design, etc.), CDCR believes it is inappropriate to commit public funds to technical studies that are not absolutely required prior to approval of the project, if it is approved. If there was a question with respect to feasibility of drainage design (mitigation), then CDCR would conduct those studies needed to ensure that the mitigation was feasible. However, no such question has been raised. More detailed drainage plans and their respective calculations will be available from the construction documents to be prepared by the selected Design-Build contractor team. This team will, among other tasks, be the engineer-of-record for the proposed facility.

To provide further assurances with regard to this comment, however, the text to Mitigation Measure 3.7-2 on page 3.7-14 of DEIR Volume 3 has been modified, as follows:

Mitigation Measure 3.7-2

Before any construction-related ground disturbance, final drainage plans will be completed to demonstrate that all runoff would be appropriately conveyed through the infill site and in a manner consistent with applicable requirements related to retention of stormwater flows onsite~~not leave the site at rates exceeding pre-project runoff conditions. The drainage design for the contemplated development would limit the 10-year and 100-year peak runoff from the infill site to no more than pre-project conditions.~~ The plan will include, but not be limited to, the following items:

- › A drainage study that will include An accurate calculation of pre-project and post-project runoff scenarios, including Caltrans facilities, obtained using appropriate engineering methods that accurately evaluates potential changes to runoff, including increased surface runoff. Plans affecting SR 104 are subject to Caltrans review and concurrence. Such plans would also be distributed to the City of Lone since the project site is within the city limits;
- › A description of the proposed maintenance program for the onsite drainage system; project specific standards for installing drainage systems; and
- › The final drainage plan will meet the necessary requirements, which requires that 100-year flood flows be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the infill site do not occur.

New storm drainage facilities will need to be constructed and existing facilities reconfigured in order to accommodate increased surface flows associated with the project's increase in impervious surfaces. Final project design will incorporate design features that will minimize flood risk by controlling the anticipated increase in flow and stormwater runoff and reduce offsite runoff ~~to rates not exceeding pre-project conditions.~~

New detention basins or ponds would temporarily detain stormwater runoff to allow sediment and other pollutants to settle and prevent them from flowing directly into receiving water bodies. The facilities would adhere to the requirements of the existing NPDES permit, including the associated monitoring and reporting program. However, expanded or entirely new detention basins may need to be constructed. The final drainage plan will also specify any treatments necessary to protect earthen channels from erosion, and modifications that may be needed to existing underground pipe and culvert capacities.

Other low-impact development (LID) methods will be used to maintain pre-project runoff levels, including planning and design considerations for buildings, landscaping, parking lots, and roads that maximize runoff infiltration into the ground and reduce the peaks of stormwater hydrographs. All Central Valley RWQCB requirements will be followed in the development of the final drainage plan.

The modification of this text does not change the conclusions of the DEIR, but rather provides additional clarification as to the format and review of preconstruction documents. Recirculation of the DEIR is not necessary.

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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**S2**

August 5, 2013

Robert A. Sleppy
Environmental Services/Public Health Liaison
Department of Corrections and Rehabilitation
Facility Planning, Construction and Management
P. O. 94283
Sacramento, CA 94283-0001

Sent via email and United States Postal Service

RE: Level II Infill Correctional Facilities Project, Draft Environmental Impact Report

Dear Mr. Sleppy:

The State Office of Historic Preservation (OHP) has broad responsibility for the implementation of federal and state historic preservation programs in California. The OHP thanks you for the opportunity to comment on the above referenced Draft Environmental Impact Report (DEIR) issued under the California Environmental Quality Act. The focus of this letter is the impact to the Norconian Club facilities, listed in the National Register of Historic Places and a historical resource pursuant to CEQA Guidelines § 15064.5(a).

Senate Bill 1022 Level II Infill Projects directed the California Department of Corrections and Rehabilitation (CDCR) to “remove all inmates from, cease operations of, and close the Californian Rehabilitation Center [CRC] located in Norco, California. . .” In volume 1, chapter 6 of the DEIR CDCR states:

- CDCR has no plans for future development or use of CRC as a prison
- CDCR anticipates that the building will be declared surplus through legislation
- SB1022 does not grant CDCR authority to plan or make modifications to buildings within the property, i.e., funding authority
- Upon sale or transfer to a local agency or private party, the CRC property would be subject to the planning and building permit of the City of Norco
- Future use and/or renovation of the property is speculative

Because the legislature has required the closure of the CRC, and also for the reasons listed above, CDCR has taken the position it has no discretion over the closure, therefore, claiming the closure and related activities are not subject to CEQA.

We have no disagreement that closure of CRC is mandated; however, abandonment of the property, effectively demolition by neglect, is not mandated and is a discretionary action that will foreseeably lead to a substantial adverse change in the historic property (i.e. demolition) that

S2-1**S2-2**

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constitutes a substantial adverse change to the resource pursuant to CEQA Guidelines § 15064.5(b). CDCR appears to have made this discretionary decision based on financial considerations, which are not appropriate considerations in assessing environmental impacts (citation). The failure of the legislature to fund appropriate stewardship does not excuse the CDCR from its environmental responsibilities.

S2-2 cont'd

The DEIS considers no alternative to the abandonment action. The DEIR is inadequate in failing to consider an alternative which would maintain the building under an approved maintenance plan or appropriately mothball the state-owned historical resources following National Park Service Guidelines outlined in Preservation Brief 31: Mothballing Historic Buildings.

S2-3

The OHP also recommends that the CDCR consider an alternative that would place the property up for timely sale since CDCR claims it is financially unable to provide proper stewardship. It is our understanding, based on meeting with CDCR, that it is retaining ownership of the building under pressure from the Corrections Officers union despite the fact that the department has no plans for any further use of the property. The removal of prisoners from the entire facility opens possibilities for rehabilitation and adaptive reuse of the former Norconian Club facility that were not possible while it remained part of an active correctional facility. Delay in selling the property simply increases the potential that the building will become so deteriorated that the property can no longer be saved.

S2-4

We recommend that the CDCR recirculate the DEIR to properly address the discretionary action of demolition by neglect, consider reasonable alternatives to closure and abandonment, provide evidence in the record regarding alternative feasibility, including financial documentation, and provide mitigation measures that would reduce the impact of the closure and abandonment of the CRC.

S2-5

If you have any further questions, please feel free to contact me directly at (916) 445-7050 or Carol.Roland-Nawi@parks.ca.gov.

Sincerely,



Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

Cc: Kathy Azevedo, Mayor, City of Norco
Kevin Bash, Council Member, City of Norco
Steve King, Planning Director, City of Norco

Letter S2 Response	Carol Roland-Nawi, Office of Historic Preservation, Department of Parks and Recreation August 5, 2013
S2-1	The introductory notes regarding the Office of Historic Preservation's (OHP) understanding of the proposed project are noted.
S2-2	Please refer to Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco. As noted in Master Response 2, the closure of CRC, in and of itself, would constitute a ministerial action. However, as of September 12, 2013 and the approval of SB 105, closure of CRC is no longer a consequence of the proposed Level II Infill Correctional Facilities Project, and the issue is now moot. As noted in Master Response 2, no action related to the closure of CRC would be taken at this time, and no activity that could be interpreted as a project under CEQA would occur. CRC would continue to operate in its current capacity pending administrative evaluations by the Department of Finance and CDCR, and this would represent a continuation of existing conditions/operations.
S2-3	Please refer to Response to Comment S2-2 and Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco. With the removal of closure of CRC from consideration as part of the proposed project, consideration of alternatives (which are required to address significant effects, none of which would occur) is not necessary. However, if and when CDCR considers closure of CRC, the guidelines suggested in this comment will be taken into consideration.
S2-4	Please refer to Response to Comment S2-3 and Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco. With respect to the request to accelerate the sale of CRC if and when it is closed and made available for sale as surplus property, the timing of the transfer of the property to the Department of General Services for the disposition of the property would be beyond CDCR's control/purview. However, in the event of a closure, CDCR would work towards the timely sale of the CRC property. Approved legislation is necessary before all or a portion of the CRC property can be considered for sale or transfer. No such statutory authority exists at the time of the publication of the FEIR.
S2-5	<p>This comment summarizes comments S2-1 through S2-4 and requests recirculation of the DEIR. As noted in Master Response 2, Evaluation of Closure of California Rehabilitation Center, Norco, the passage of SB 105 removed the closure of Norco from consideration as a consequence of the proposed Level II Infill Correctional Facilities Project, and the issue is now moot. No action related to the closure of CRC would be taken at this time, and no activity that could be interpreted as a project under CEQA would occur.</p> <p>As stated previously, the term "abandonment" is not considered an accurate characterization of CDCR activities at any facility post-closure. This term is also not present within SB 1022, SB 105, or the DEIR.</p>

State of California
Department of Fish and Wildlife

Memorandum

Date: August 6, 2013

To: Mr. Robert Sleppy
Project Management Branch
California Department of Corrections and Rehabilitation

From: Gail K. Sevrens 
Environmental Program Manager
California Department of Fish and Wildlife, South Coast Region

Subject: **Draft Environmental Impact Report for the Level II Infill Correctional Facilities Project (SCH# 2012122038)**

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced draft Environmental Impact Report (EIR) for the Level II Infill Correctional Facilities Project dated June 21, 2013.

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). CDFW also has regulatory authority under the California Endangered Species Act (CESA), Native Plant Protection Act, the Natural Community Conservation Planning Act, and other provisions of Fish and Game Code that afford protection to California's fish and wildlife resources.

The proposed project involves the construction and operation of new level II infill correctional facilities to be part of the State of California's prison system. A 792-bed facility within the grounds of Richard J. Donovan Correctional Facility (RJD) in southern San Diego County and a 1,584-bed facility within the grounds of Mule Creek State Prison (MCSP) in Lone, California are currently proposed but alternative sites in Chino, Solano, and Vacaville are also analyzed as part of the draft EIR.

CDFW offers the following comments and recommendations for the above referenced draft Environmental Impact Report (EIR).

Consistency with Existing Plans: The California Department of Corrections and Rehabilitation (CDCR) is not a signatory to the County of San Diego's Multiple Species Conservation Program (MSCP) and does not have take authority under the adopted South County MSCP Subarea Plan. Furthermore, the project is not proposing habitat based mitigation for impacts to non-native grassland or burrowing owl (*Athene cunicularia*) which is not consistent with the requirements of the MSCP. We recommend that the EIR be updated to accurately reflect the project's relationship to the MSCP and be modified to provide mitigation consistent with that required by the MSCP and San Diego County's Burrowing Owl Strategy (also see comment below). CDFW and United States Fish and Wildlife Service (Service) provided a similar comment in a letter dated December 19, 2012 (FWS/SDG-08B0598-09TA0155), for a proposed health care facility at RJD and we are concerned that it was not taken in to account during the preparation of this draft EIR.

S3

S3-1

S3-2

Mr. Robert Sleppy
California Department of Corrections and Rehabilitation
August 6, 2013
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Habitat Based Mitigation: Contrary to conclusions reached in the draft EIR, from a regional perspective CDFW considers non-native grassland to be a sensitive habitat type that warrants habitat based mitigation. Non-native grassland provides foraging habitat for a variety raptor species (e.g., golden eagle [*Aquila chrysaetos*], red-tailed hawk [*Buteo jamaicensis*], northern harrier [*Circus cyaneus*], kestrel [*Falco sparverius*], white-tailed kite [*Elanus leucurus*], great horned owl [*Bubo virginiana*], loggerhead shrike [*Lanius ludovicianus*]), as well as habitat for several important raptor prey species that are mentioned in the draft EIR (e.g., ground squirrels [*Spermophilus beecheyi*], San Diego black-tailed jackrabbit [*Lepus californicus bennettii*]). Additionally, this habitat provides nesting and foraging habitat for the burrowing owl. CDFW is concerned with the status of the burrowing owl due to the cumulative loss of grassland habitat and associated reduction in resident/breeding and wintering habitat for burrowing owls on Otay Mesa and elsewhere. Otay Mesa is one of the few remaining areas in San Diego County where a breeding burrowing owl population remains. The proposed project site is currently occupied by at least one nesting pair of burrowing owls which furthers the importance of the on-site habitat. CDFW recommends that all impacts to non-native grassland for the proposed RJD project be mitigated at a 1:1 ratio via the permanent preservation of suitable burrowing owl habitat (or habitat that can be made suitable). CDFW, in coordination with the Service, would like to meet with CDCR to discuss mitigation options for the proposed project.

S3-3

Preserve Adjacency: It is unclear why the draft EIR concludes that the proposed project would not result in development or uses adjacent to MSCP preserve lands (Volume 2, page 3.2-18) when preserve land lies both to the east and west of the project site. We recommend that the final EIR provide a more thorough discussion of potential preserve adjacency issues/impacts associated with the proposed project and any measures deemed necessary to mitigate these impacts.

S3-4

Biological Surveys: We recommend that the final EIR provide more detailed information regarding biological surveys performed at the proposed project site (usually contained in a biological report attached to the document as an appendix). Page 3.2-18 states that protocol level surveys for special-status plant species were negative (except for a possible San Diego gumplant [*Grindelia hallii*] occurrence that could not be verified due to timing of surveys) yet no detailed information is provided. It is unclear whether focused surveys for any special status wildlife (except the ongoing burrowing owl surveys) or vernal pools were performed.

S3-5

We appreciate the opportunity to comment on the draft EIR. Questions regarding this letter and further coordination on these issues should be directed to Kyle Dutro at (858) 467-4267 or kyle.dutro@wildlife.ca.gov.

cc: Susan Wynn, United States Fish and Wildlife Service, Carlsbad

Letter	
S3	Gail Sevrens, California Department of Fish and Wildlife
Response	August 6, 2013

- S3-1 The overview of CDFW jurisdiction and the proposed project components are noted.
- S3-2 Please refer to Response to Comment F1-8. The referenced letter was incorrectly dated in the comment as being from 2012 rather than 2008 and was previously submitted to the California Prison Health Care Receivership Corporation (CPR), the lead agency for preparation of the *California Health Care Facility San Diego* EIR. CDCR was not lead agency on that project.
- Please refer to Response to Comment F1-5 regarding modifications to burrowing owl mitigation measures.
- S3-4 Please refer to Responses to Comments F1-2 and F1-5 regarding protocol-level surveys for burrowing owl and modifications to burrowing owl mitigation measures.
- S3-4 According to the Otay Ranch Preserve Status Map (September 23, 2010), the Otay Ranch Open Space Preserve is directly west of the RJD property boundary, but not on the eastern side of RJD. According to the GIS data for San Diego County in the interactive SanGIS/SANDAG map (created on September 5, 2013), "MSCP Preserve Land" is identified directly west of the RJD property boundary, consistent with the 2010 map. However, in addition, the SanGIS/SANDAG map shows MSCP Preserve Land directly east of the northeastern corner of the RJD property boundary, northeast of Alta Road. As shown on DEIR Volume 2 Exhibit 2-2, the RJD Infill Site is east of the existing RJD prison facilities and over 2,000+ feet from the Otay Ranch Preserve west of RJD. Based on the SanGIS/SANDAG map, the MSCP Preserve Land northeast of the eastern RJD boundary is over 500 feet away from the proposed infill site for a single facility and approximately 400 feet from the infill site of a complex. Actual built facilities would be even further from that Preserve Land, as the Infill Site accounts for temporary construction disturbance. Based on both of these maps, the proposed infill development at RJD is considered to be adjacent to the Preserve. Because this comment provides no evidence that implementation of the level II infill facilities project at RJD would result in an environmental effect on the Otay Ranch Open Space Preserve, no further discussion is necessary.
- S3-5 Because focused biological surveys were on-going during the time of the DEIR preparation, a biological technical survey report could not be attached as an appendix to the DEIR. A biological technical report is attached as an appendix to the FEIR that summarizes the survey dates, methods, surveyor qualifications, and results of the focused surveys.

S4



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

August 6, 2013

Robert Sleppy
California Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Subject: Level II Infill Correctional Facilities Project
SCH#: 2012122038

Dear Robert Sleppy:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 5, 2013, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

S4-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2012122038
Project Title Level II Infill Correctional Facilities Project
Lead Agency Corrections and Rehabilitation, Department of

Type	EIR Draft EIR
Description	The proposed project would involve the development of a total of three correctional infill housing facilities that would be placed at any of five potential sites within seven existing CDCR prison properties in San Diego County and the Cities of Chino, Ione, Folsom, and Vacaville. Either three single (792-bed) housing facilities would be constructed at three potential infill prison sites, or CDCR would construct one single housing facility at one potential infill prison site and a double (1584-bed) housing facility at a second potential infill prison site. In total, the proposed project would involve the construction of a total of 2,376 infill housing units (beds) and associated accessory uses. The proposed correctional facilities would operate 24 hours a day, year-round, with three 8-hour shifts (watches).

Lead Agency Contact

Name	Robert Sleppy		
Agency	California Department of Corrections and Rehabilitation		
Phone	916 255 1141	Fax	
email			
Address	9838 Old Placerville Road, Suite B		
City	Sacramento	State	CA Zip 95827

Project Location

County				
City	Chino, Folsom, Vacaville, Ione, San Diego			
Region				
Lat / Long				
Cross Streets	Multiple			
Parcel No.	Multiple			
Township	Range	Section	Base	

Proximity to:

Highways	Multiple
Airports	Chino, Brown Field
Railways	Multiple
Waterways	Multiple
Schools	Multiple
Land Use	Existing CDCR State Prisons

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Headquarters; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, Division of Transportation Planning; Department of Housing and Community Development; State Water Resources Control Board, Division of Water Quality; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Document Details Report
State Clearinghouse Data Base

Date Received 06/21/2013 *Start of Review* 06/21/2013 *End of Review* 08/05/2013

**Letter
S4
Response**

Scott Morgan, California State Clearinghouse
August 6, 2013

S4-1 The comment that CDCR complied with CEQA public review requirements is noted.

S5



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

August 6, 2013

Robert Sleppy
California Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Subject: Level II Infill Correctional Facilities Project
SCH#: 2012122038

Dear Robert Sleppy:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 5, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

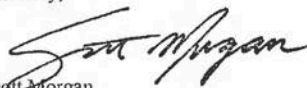
"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

S5-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,


Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2012122038
Project Title Level II Infill Correctional Facilities Project
Lead Agency Corrections and Rehabilitation, Department of

Type	EIR Draft EIR
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Lead Agency Contact

Name	Robert Sleppy		
Agency	California Department of Corrections and Rehabilitation		
Phone	916 255 1141	Fax	
email			
Address	9838 Old Placerville Road, Suite B		
City	Sacramento	State	CA Zip 95827

Project Location

County				
City	Chino, Folsom, Vacaville, Lone, San Diego			
Region				
Cross Streets	Multiple			
Lat / Long				
Parcel No.	Multiple			
Township	Range	Section	Base	

Proximity to:

Highways	Multiple
Airports	Chino, Brown Field
Railways	Multiple
Waterways	Multiple
Schools	Multiple
Land Use	Existing CDCR State Prisons

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Headquarters; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, Division of Transportation Planning; Department of Housing and Community Development; State Water Resources Control Board, Division of Water Quality; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Document Details Report
State Clearinghouse Data Base

Date Received 06/21/2013

Start of Review 06/21/2013

End of Review 08/05/2013

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 10
P.O. BOX 2048, STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
PHONE (209) 948-7112
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TTY 711

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August 5, 2013

10-AMA-104-PM R5.02
CDCR Level II Infill Project
Mule Creek State Prison
SCH # 2012122038
DEIR

Robert Sleppy
California Department of Corrections and Rehabilitation
Office of Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Dear Mr. Sleppy:

The California Department of Transportation (Department), District 10 (District 10) appreciates the opportunity to review and provide comments on the Draft Environmental Impact Report (DEIR) for the proposed California Department of Corrections and Rehabilitation (CDCR) Level II Infill Correctional Facilities Project (Project). The Project proposes construction and operation of up to three new 792-bed Level II prison dormitory correctional facility units at five potential locations throughout the state including the Mule Creek State Prison (MCSP) on State Route (SR) 104 in Ione, Amador County. The preferred alternative for the project proposes locating two of the 792-bed units at MCSP, but one or no units could be built at MCSP. District 10 previously responded to the Notice of Preparation (NOP) for the Project.

The Project could have impacts in multiple Department districts. This letter addresses potential impacts within District 10 at MCSP.

The DEIR identifies significant and unavoidable impacts at multiple intersections on the State Highway System (SHS) including several in the City of Ione and the SR 88/SR 104/Jackson Valley Road (east) intersection. The details of which intersections see increased delays greater than five seconds varies depending on the whether the complex or single facility is considered and under the existing, existing plus approved projects, and cumulative scenarios. But in all cases there are significant impacts to intersections that warrant contributions to regional funding of improvements to mitigate impacts to SHS facilities pursuant to Amador County General Plan and Amador County Regional Transportation Plan (RTP) policies.

The Ione interim west bypass is included in Tier 2 of the RTP. The Ione interim west bypass has been renamed the Western Ione Roadway Improvement Strategy (WIRIS), and the City of Ione considers contributions to funding of the WIRIS the appropriate mitigation for impacts to the downtown intersections. Amador County RTP policy 1B(18) identifies payment of the Regional

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Mr. Sleppy
August 5, 2013
2

Transportation Mitigation Fee (RTMF) as the appropriate mitigation for impacts to regional transportation through funding Tier 2 projects.

Improvements to the SR 88/SR 104/Jackson Valley Road (east) intersection are identified as a potential mitigation for impacts at that intersection. No project to improve that intersection is included in the RTP. Amador County General Plan and RTP policy 1B(19) identifies payment of a 'fair-share' contribution as the appropriate mitigation for impacts to regional transportation by funding projects that are not in Tier 1 or Tier 2 of the RTP.

The DEIR identifies significant and unavoidable impacts on the SR 88 mainline east of Jackson Valley Road (east) under the existing plus approved projects and cumulative scenarios for both the single unit and complex proposals. No mitigation is proposed for these impacts. Amador County General Plan and RTP policy 1B(19) identifies payment of a 'fair-share' contribution as the appropriate mitigation for impacts to regional transportation by funding projects that are not in Tier 1 or Tier 2 of the RTP.

The Department is increasingly dependent on contributions from local and regional partners to fund regional improvement projects on the SHS. For this project, the Department is faced with numerous significant impacts to the SHS that require payment of fees and 'fair-share' contributions as mitigation. Because these payments will be based on the trip generation estimates provided by CDCR, the Department recommends additional documentation of trip generation and a provision for performing traffic counts and making payment adjustments if occupancy and staffing of the facility increases beyond anticipated levels.

The staffing-level data presented in the DEIR shows an impressive level of detail and appears appropriate for internal CDCR planning. For public disclosure purposes it may be more defensible to compare those projections against staff to inmate ratios for Level II facilities statewide or to those at similar existing Level II facilities. The Department recommends that CDCR prepare a short technical memo presenting staffing levels at existing facilities to support the trip generation estimates for the Project and to ensure that the mitigation fees paid for the Project are proportional to the impacts created.

In discussing the scope of the Traffic Impact Study for the project it was noted that the Notice of Preparation for the project was not clear about what level of occupancy was proposed for the facility. CDCR explained that, traditionally, both single-bed "design" occupancy and double (bunk) bed occupancy have been considered as alternatives for new facilities, but that due to the federal court standard enforced on CDCR, the Project would consider a single alternative with occupancy of the infill units at 1.37 times the single-bed design capacity. Past levels of statewide and MCSP occupancy have greatly exceeded that ratio. Statewide, the current occupancy including all levels is approximately 1.5 times the design capacity of the system. Higher occupancies are common for Level II facilities.

CDCR cannot fully forecast or control future occupancy and staffing levels at MCSP. The Department recommends that a Mitigation Measure be added to the project requiring traffic counts be performed at the prison entrance when occupancy initially passes 1.5, 1.75, and 2.0 times the design occupancy level. Those counts would be used to re-evaluate the RTMF and

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Mr. Sleppy
August 5, 2013
3

'fair-share' payments to ensure that the mitigation fees paid for the Project are proportional to the impacts. The Department requests that the Final Environmental Impact Report confirm the use of the 1.37 occupancy target and state the corresponding design capacity of the infill units for the purposes of implementing the mitigation measure.

The proposed temporary construction entrance will require a Caltrans encroachment permit. District 10 has several concerns about the proposed layout shown in Exhibit 3.11-6. The length of paved road approach extending north from the SR 104 right of way line needs to be sufficient to prevent potential queue spillback to the westbound SR 104 mainline during the peak hours of entry to the construction site and to prevent storm water issues due to sediment tracking. The exhibit shows an attempt to create a westbound right turn lane at the construction entrance by re-striping the existing roadway. The roadway may need to be widened to accommodate turning trucks and prevent damage to the shoulder.

Mitigation Measure 3.11-4 proposes to prepare and implement a construction traffic management plan (TMP). This proposed TMP, which may involve traffic control, signing, and temporary signalization, will need to be reviewed and approved through the encroachment permit process.

The Encroachment Permit Office will offer to provide a courtesy meeting to review geometric layout before construction plans are prepared. The permit application must include plans, specifications, and estimate and a longitudinal encroachment exception request for the temporary construction entrance at the existing 20-foot wide locked gate in access controlled right of way on SR 104.

Storm water and CEQA compliance must be submitted with the encroachment permit application. The Department's storm water permit does not address activities performed under encroachment permits. The storm water permitting for the Project should address construction activities within the SR 104 right of way under the encroachment permit.

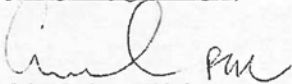
Appropriate environmental studies must be submitted with the encroachment permit application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans right of way at the site of the encroachment.

Impacts 3.7-2a and 3.7-2b are identified as significant impacts. Since storm water flow from the project site enters SR 104 drainage facilities, these are impacts to Department facilities. Both impacts are proposed to be mitigated by Mitigation Measure 3.7-2 which proposes preparation of drainage plans to ensure the constructed facility will attenuate flows of 10-year and 100-year storms to pre-project levels. No study is provided with the DEIR to show that the impacts will be mitigated. The Department cannot concur that Mitigation Measure 3.7-2 will reduce the impact to a less-than-significant level and reiterates its comment from its NOP response: "A drainage study will be needed [for the DEIR] to assess these impacts and ensure there would not be adverse impacts to State facilities."

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Mr. Sleppy
August 5, 2013
4

If you have any questions or would like to discuss these comments, please contact Carl Baker at (209) 948-7325 (e-mail: carl.baker@dot.ca.gov), or me at (209) 948-7112 (e-mail: john.gedney@dot.ca.gov)



John Gedney, Chief
Office of Rural Planning

c: Charles Field, Executive Director, Amador Transportation Council
Christopher Jordan, Planning Director, City of Ione
Aaron Brusatori, Director, Amador County Public Works Agency

"Caltrans improves mobility across California"

**Letter
S5
Response**

Scott Morgan, California State Clearinghouse
August 6, 2013

- S5-1 The comment that CDCR complied with CEQA public review requirements is noted. This letter also included a copy of the comment letter from Caltrans, District 10, which has been addressed in this document as Letter S1. Please refer to Letter S1, above, for responses to the comments in the attached Caltrans, District 10 letter.

S6



Central Valley Regional Water Quality Control Board

7 August 2013

Robert Sleppy
California Department of Corrections and Rehabilitation
Office of Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT, LEVEL II INFILL CORRECTIONAL FACILITIES PROJECT, MULE CREEK STATE PRISON, AMADOR COUNTY

Central Valley Regional Water Quality Control Board staff has reviewed the June 2013 Draft Environmental Impact Report (DEIR) for the subject project. Based on the DEIR, we understand that the California Department of Corrections and Rehabilitation (CDCR) proposes to construct new inmate housing facilities at the Mule Creek State Prison to accommodate future changes in the prison population.

Based on the DEIR, we understand that the project will include either a 1,584-bed duplex or a 785-bed single expansion at the Mule Creek State Prison. The projected wastewater flows for the duplex and single structures are 0.22 million gallons per day (MGD) and 0.11 MGD, respectively. The new housing units will be located at part of the prison's existing wastewater disposal spray fields. To compensate for the loss of this portion of the spray fields, the DEIR proposes to build a new 100-acre land application area adjacent to the City of Lodi's Wastewater Treatment Plant. In addition, the DEIR proposes some wastewater treatment facility (WWTF) improvements to accommodate projected influent flows, including additional clarifiers, upgrades to the belt filter press, the addition of diffused aeration capacity, and improved instrumentation and controls.

S6-1

Comments on the Draft Environmental Impact Report

1) New Land Application Area and WWTF Improvements

Based on the DEIR, it is not clear whether the new land application area and WWTF improvements are included in the proposed project. Certain parts of the DEIR contain conflicting information as discussed below.

S6-2

KARL E. LONOLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



Robert Sleppy
Ca. Dept. of Corrections and Rehabilitation

- 2 -

7 August 2013

The DEIR (page 3.7-7) states:

*In 2006, the Central Valley RWQCB issued a Consideration of a Cease and Desist Order¹ (CDO) to CDCR, MCSP, for allegedly violating many provisions of its WDRs in regard to operation of its wastewater treatment plant (WWTP) and spray fields (Central Valley RWQCB 2006). Several alleged violations were noted, and CDCR has responded to resolve a number of the issues and is currently preparing plans for a WWTP water quality treatment upgrade, **separate from the proposed project.** [Emphasis added]*

S6-3

The DEIR (page 3.12-14) states:

*The potential environmental impacts of construction and operation of the proposed level II infill correctional facility complex, including utility connections and the expanded spray fields needed to serve the project, **have been considered and evaluated throughout the environmental resource sections in Chapter 3 of this volume of the DEIR;** however, the primary effect of this project would be to provide irrigation of these fields with recycled water. Where necessary, recommended mitigation would substantially reduce construction-related impacts associated with onsite and offsite wastewater facility improvements.*

S6-4

The DEIR should be revised to clarify whether the proposed project includes the new land application areas and WWTF improvements. If the project includes the new land application areas and WWTF improvements, the DEIR should contain sufficient details of the existing facility, proposed improvements and the proposed new land application areas to support analysis of potential groundwater quality impacts based on groundwater monitoring data under the current WDRs 5-00-088 and WDRs Order for Lone Wastewater Treatment Facility. If needed to prevent significant water quality impacts, the DEIR should include mitigation measures such as additional treatment or control to ensure compliance with the Basin Plan and the Antidegradation Policy (State Water Resources Control Board Resolution 68-16).

S6-5

However, if the proposed project does not include the new land application areas and WWTF improvements, the project would potentially significantly impact the disposal capacity of the existing WWTF. The DEIR should be revised to evaluate impacts to disposal capacity of the WWTF due to the loss of spray field areas and include appropriate mitigation measures. Such mitigation measures might include:

- a. An Interim Wastewater Management Plan that ensures adequate treatment and disposal capacity will be provided to accommodate wastewater flows during construction of the new housing units (i.e., beginning with removal of any portion of the spray fields from service and extending until sufficient new disposal areas are available and permitted for use; and
- b. A prohibition against increasing the current prison population until the new effluent disposal areas are available and permitted for use.

S6-6

Additionally, the DEIR should clearly state that a separate CEQA document will be prepared for the new disposal areas.

¹ Please note that the Water Board actually adopted a Cease and Desist Order. In so doing, the Board found that the alleged violations did indeed occur.

Robert Sleppy
Ca. Dept. of Corrections and Rehabilitation

- 3 -

7 August 2013

2) NPDES permit

The DEIR (page 3.7-8) states:

CDCR is currently designing upgrades, including a secondary clarifier, a mixed liquor splitter box, a chlorine contact basin, a disinfected secondary effluent pump station, motor speed controls for return activated sludge pumps, chemical feed equipment, and other upgrades by November 2014 that will bring performance of the WWTP into compliance with its NPDES permit and discharge of the CDO.

S6-7

Mule Creek WWTF is currently regulated under WDRs Order 5-00-088 for discharges of waste to land, which is not an NPDES permit.

3) Temporary Effluent Storage at the City of Lone WWTP

The DEIR (page 3.7-17) states:

*Once CDCR releases treated effluent into the existing 10-inch line, the City of Lone would be responsible for the disposal and management of effluent disposal facilities for the MCSP treated secondary effluent. **As part of the proposed project, CDCR would coordinate with the City of Lone to extend the City's spray field infrastructure to additional spray fields.** The infrastructure would include fixed irrigation systems (i.e., pipes and sprinklers), wheel line systems (i.e., pipe that is rolled across the field), and/or flood irrigation systems (i.e., field is flooded via gravity). Temporary storage of flows at the existing City of Lone WWTP may be necessary, but would not likely be significant due to the flow equalization provided by MCSP and Preston Reservoirs.*

S6-8

This text indicates that the infrastructure of the new land application areas will be built by the City of Lone, but does not analyze potential water quality impacts from the new land application areas. Additionally, the City of Lone WWTP does not have additional storage for the wastewater flows from the Mule Creek State Prison, and is not likely to have extra capacity in the near future because the City's planned expansions are required to be dedicated for new development in Lone pursuant to WDRs Order R5-2013-0022. Therefore, the DEIR should evaluate the storage capacity of Preston Reservoir and demonstrate that it can accommodate the flows associated with spray field closure or include other storage capacity in the project if needed.

4) Construction Storm Water Permit

The DEIR (page 3.7-15) states:

New detention basins or ponds would temporarily detain stormwater runoff to allow sediment and other pollutants to settle and prevent them from flowing directly into receiving water bodies. The facilities would adhere to the requirements of the existing NPDES permit, including the associated monitoring and reporting program.

S6-9

Robert Sleppy
Ca. Dept. of Corrections and Rehabilitation

- 4 -

7 August 2013

CDCR Mule Creek Prison does not have an NPDES permit and the current WDRs do not regulate discharges of storm water from the facility or the proposed construction project. CDCR will need to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (State Water Board Order 2009-0009-DWQ). Construction activity resulting in a land disturbance of one acre or more must obtain the coverage under the Order. Construction activity includes clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared.

S6-9 cont'd

If you have any questions about the storm water program, please call Steve Rosenbaum at (916) 464-4631. Additional information is available via the Internet at the Regional Board's Storm Water website http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/. If you have any questions about other permits, please contact Lixin Fu at (916) 464-4689 or lfu@waterboards.ca.gov.

S6-10

Lixin Fu

LIXIN FU, P.E.
Water Resource Control Engineer
Waste Discharge to Land Permitting Section

cc: State Clearinghouse, Sacramento
Michael Israel, Amador County Environmental Health Department, Jackson
Ed Pattison, City of Ione, Ione
Sean Rabe, Amador Regional Sanitation Agency, Sutter Creek
James Maynard, City of Ione Attorney, Sacramento

**Letter
S6
Response****Lixin Fu, Central Valley Regional Water Quality Control Board
August 7, 2013**

- S6-1 The commenter appears to misunderstand some of the project features proposed for the MCSP Infill Site. Improvements to the WWTP are already planned as a separately funded and authorized project; improvements to the design and operational capacity of the MCSP WWTP would occur regardless of the proposed project. However, because the proposed project would be constructed on existing wastewater disposal spray fields, replacement spray fields would be part of the proposed level II infill project.

To clarify, as described on page 2-11 of Volume 3 of the DEIR:

Implementation of the proposed project at MCSP would increase the generation of wastewater, increasing the demand for wastewater treatment at the existing WWTP. All flows would be accommodated by the existing WWTP, which is being upgraded with respect to treatment as part of a separate action in response to Regional Water Quality Control Board directives (refer to Section 3.7, "Hydrology and Water Quality" of this volume of the DEIR). The planned upgrades at the WWTP include additional clarifiers, upgrades to the belt filter press, the addition of diffused aeration capacity, and improved instrumentation and controls. As part of the contemplated development of the infill site, a separate connection from the single, level II infill correctional facility or the level II infill correctional facility complex would be extended westward from the infill site, past Mule Creek, and then placed along an internal access road to the WWTP.

As noted above, improvements to the WWTP (i.e., additional clarifiers, upgrades to the belt filter press, etc.) are not part of the proposed Level II Infill Correctional Facilities Project. The improvements to the MCSP WWTP were already separately planned and funded and are simply acknowledged within the DEIR.

- S6-2 As described on page 2-11 of Volume 3 of the DEIR;

As a result, as part of the proposed project, CDCR would coordinate with the City of Lone for the construction of additional recycled water conveyance infrastructure, commensurate with the City's existing conveyance system. Wastewater effluent that would have otherwise been distributed to Spray Fields 4 and 5 would be released to the City's WWTP via an existing 10-inch pipe prior to being distributed by the City onto approximately 100 acres of agricultural land (alfalfa) associated with Greenrock Ranch, shown in Exhibit 2-5. As part of the proposed project, the City would extend its existing conveyance infrastructure, which consists of buried PVC C900 pipes, to the proposed spray fields.

At the proposed spray fields CDCR anticipates that the City will employ above-grade fixed set irrigation systems, wheel line systems or flood irrigation systems for distribution of the reclaimed water to the new effluent spray field. As noted in Response to Comment S6-1, the improvements to the MCSP WWTP are not part of the proposed Level II Infill Correctional Facilities Project. In CDCR's opinion, the information contained within the DEIR, while complex, is not conflicting.

- S6-3 The quoted text is correct. Improvements to the MCSP WWTP are a separate project and are not addressed as part of the DEIR.

- S6-4 The quoted text is correct. The expansion of the planned City of Lone spray fields are evaluated as part of the DEIR.
- S6-5 As noted above in Response to Comment S6-1, the proposed project includes securing additional effluent spray fields that would be operated by the City of Lone. CDCR anticipates that the treated and disinfected secondary effluent to irrigated on fodder crops at the proposed new fields would be only effluent from the MCSP WWTP. Unless CDCR determines that a separate effluent transport line will be either necessary and/or a mechanical preference to the City, it is acknowledged that use of the current line from Preston Reservoir would result in the intermingling of City/ARSA and MCSP-treated wastewater. Impacts to water quality associated with effluent disposal from the City of Lone WWTP were evaluated as part of an Initial Study/Mitigated Negative Declaration (IS/MND), which was adopted by the City in February 2013. The proposed spray fields are discussed in DEIR Volume 3, Impacts 3.7-4a and b: Long-Term Water Quality Degradation from Use of Spray Fields. As noted in this impact discussion, the use of the expanded spray fields is anticipated to provide a water quality benefit when compared to existing conditions. Additional treatment or control beyond what is already planned at the MCSP WWTP is not anticipated to be necessary, but CDCR will coordinate with the City to ensure and monitor compliance with waste discharge requirements (WDRs) with respect to effluent originating from MCSP.
- S6-6 Impacts associated with the proposed spray fields are addressed in the DEIR, as stated previously. The acknowledged planned improvements to the MCSP WWTP are a separately planned project and their impacts are evaluated separately from the proposed Level II Infill Correctional Facilities Project and corresponding DEIR, as stated in Response to Comment S6-1. With this in mind, CDCR has evaluated the disposal capacity of the MCSP WWTP, inclusive of the proposed project, and has determined that there would be adequate treatment and disposal capacity. A Wastewater Management Plan has been developed internally, and CDCR will arrange to meet with RWQCB staff to review and discuss these findings soon as part of the permit revision process.
- S6-7 The text on page 3.7-8 in Volume 3 of the DEIR has been modified as follows:
- CDCR is currently designing upgrades, including a secondary clarifier, a mixed liquid splitter box, a chlorine contact basin, a disinfected secondary effluent pump station, motor speed controls for return activated sludge pumps, chemical feed equipment, and other upgrades by November 2014 that will bring performance of the WWTP into compliance with its WDR requirements. ~~its NPDES permit and discharge of the CDO.~~
- S6-8 Impacts associated with the proposed spray fields are addressed in Volume 3 of the DEIR under Impacts 3.7-4a and b: Long-Term Water Quality Degradation from Use of Spray Fields.
- A study has been completed that addresses the capacity issues associated with Preston Reservoir. The study found that, after factoring the loss of approximately 70 acres of spray fields, there would be sufficient remaining spray field capacity to meet the disposal needs as long as MCSP can send 87.3 million gallons per year (268 acre feet per year [afy]) of treated wastewater to Preston Reservoir. Because CDCR allocation is much greater (350 afy), there is adequate capacity.
- S6-9 The NPDES permit was referred to in error. The sixth paragraph of text to Mitigation Measure 3.7-2 in Volume 3 of the DEIR has been modified as follows:

New detention basins or ponds would temporarily detain stormwater runoff to allow sediment and other pollutants to settle and prevent them from flowing directly into receiving water bodies. CDCR will obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (State Water Board Order 2009-0009-DWQ) for construction activity resulting in a land disturbance of one acre or greater. Construction activity is considered to include: clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. CDCR will submit a Notice of Intent to comply with the permit to SWRCB before construction begins. The facilities would adhere to the requirements of the existing NPDES permit, including the associated monitoring and reporting program. However, expanded or entirely new detention basins may need to be constructed. The final drainage plan will also specify any treatments necessary to protect earthen channels from erosion, and modifications that may be needed to existing underground pipe and culvert capacities.

S6-10 Contact information for the stormwater program is noted.

S7



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

August 8, 2013

Robert Sleppy
California Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Subject: Level II Infill Correctional Facilities Project
SCH#: 2012122038

Dear Robert Sleppy:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on August 5, 2013. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2012122038) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

S7-1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov



Central Valley Regional Water Quality Control Board

7 August 2013

10/2
8/8/13
c

RECEIVED

AUG 08 2013

STATE CLEARING HOUSE

2012122038

Robert Sleppy
California Department of Corrections and Rehabilitation
Office of Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT, LEVEL II INFILL CORRECTIONAL FACILITIES PROJECT, MULE CREEK STATE PRISON, AMADOR COUNTY

Central Valley Regional Water Quality Control Board staff has reviewed the June 2013 Draft Environmental Impact Report (DEIR) for the subject project. Based on the DEIR, we understand that the California Department of Corrections and Rehabilitation (CDCR) proposes to construct new inmate housing facilities at the Mule Creek State Prison to accommodate future changes in the prison population.

Based on the DEIR, we understand that the project will include either a 1,584-bed duplex or a 785-bed single expansion at the Mule Creek State Prison. The projected wastewater flows for the duplex and single structures are 0.22 million gallons per day (MGD) and 0.11 MGD, respectively. The new housing units will be located at part of the prison's existing wastewater disposal spray fields. To compensate for the loss of this portion of the spray fields, the DEIR proposes to build a new 100-acre land application area adjacent to the City of Lodi's Wastewater Treatment Plant. In addition, the DEIR proposes some wastewater treatment facility (WWTF) improvements to accommodate projected influent flows, including additional clarifiers, upgrades to the belt filter press, the addition of diffused aeration capacity, and improved instrumentation and controls.

Comments on the Draft Environmental Impact Report

1) New Land Application Area and WWTF Improvements

Based on the DEIR, it is not clear whether the new land application area and WWTF improvements are included in the proposed project. Certain parts of the DEIR contain conflicting information as discussed below.

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

RECYCLED PAPER

Robert Sleppy
Ca. Dept. of Corrections and Rehabilitation

- 2 -

7 August 2013

The DEIR (page 3.7-7) states:

*In 2006, the Central Valley RWQCB issued a Consideration of a Cease and Desist Order¹ (CDO) to CDCR, MCSP, for allegedly violating many provisions of its WDRs in regard to operation of its wastewater treatment plant (WWTP) and spray fields (Central Valley RWQCB 2006). Several alleged violations were noted, and CDCR has responded to resolve a number of the issues and is currently preparing plans for a WWTP water quality treatment upgrade, **separate from the proposed project**. [Emphasis added]*

The DEIR (page 3.12-14) states:

*The potential environmental impacts of construction and operation of the proposed level II infill correctional facility complex, including utility connections and the expanded spray fields needed to serve the project, **have been considered and evaluated throughout the environmental resource sections in Chapter 3 of this volume of the DEIR**; however, the primary effect of this project would be to provide irrigation of these fields with recycled water. Where necessary, recommended mitigation would substantially reduce construction-related impacts associated with onsite and offsite wastewater facility improvements.*

The DEIR should be revised to clarify whether the proposed project includes the new land application areas and WWTF improvements. If the project includes the new land application areas and WWTF improvements, the DEIR should contain sufficient details of the existing facility, proposed improvements and the proposed new land application areas to support analysis of potential groundwater quality impacts based on groundwater monitoring data under the current WDRs 5-00-088 and WDRs Order for Lone Wastewater Treatment Facility. If needed to prevent significant water quality impacts, the DEIR should include mitigation measures such as additional treatment or control to ensure compliance with the Basin Plan and the Antidegradation Policy (State Water Resources Control Board Resolution 68-16).

However, if the proposed project does not include the new land application areas and WWTF improvements, the project would potentially significantly impact the disposal capacity of the existing WWTF. The DEIR should be revised to evaluate impacts to disposal capacity of the WWTF due to the loss of spray field areas and include appropriate mitigation measures. Such mitigation measures might include:

- a. An Interim Wastewater Management Plan that ensures adequate treatment and disposal capacity will be provided to accommodate wastewater flows during construction of the new housing units (i.e., beginning with removal of any portion of the spray fields from service and extending until sufficient new disposal areas are available and permitted for use; and
- b. A prohibition against increasing the current prison population until the new effluent disposal areas are available and permitted for use.

Additionally, the DEIR should clearly state that a separate CEQA document will be prepared for the new disposal areas.

¹ Please note that the Water Board actually adopted a Cease and Desist Order. In so doing, the Board found that the alleged violations did indeed occur.

Robert Sleppy
Ca. Dept. of Corrections and Rehabilitation

- 3 -

7 August 2013

2) NPDES permit

The DEIR (page 3.7-8) states:

CDCR is currently designing upgrades, including a secondary clarifier, a mixed liquor splitter box, a chlorine contact basin, a disinfected secondary effluent pump station, motor speed controls for return activated sludge pumps, chemical feed equipment, and other upgrades by November 2014 that will bring performance of the WWTP into compliance with its NPDES permit and discharge of the CDO.

Mule Creek WWTF is currently regulated under WDRs Order 5-00-088 for discharges of waste to land, which is not an NPDES permit.

3) Temporary Effluent Storage at the City of Lone WWTP

The DEIR (page 3.7-17) states:

*Once CDCR releases treated effluent into the existing 10-inch line, the City of Lone would be responsible for the disposal and management of effluent disposal facilities for the MCSP treated secondary effluent. **As part of the proposed project, CDCR would coordinate with the City of Lone to extend the City's spray field infrastructure to additional spray fields.** The infrastructure would include fixed irrigation systems (i.e., pipes and sprinklers), wheel line systems (i.e., pipe that is rolled across the field), and/or flood irrigation systems (i.e., field is flooded via gravity). Temporary storage of flows at the existing City of Lone WWTP may be necessary, but would not likely be significant due to the flow equalization provided by MCSP and Preston Reservoirs.*

This text indicates that the infrastructure of the new land application areas will be built by the City of Lone, but does not analyze potential water quality impacts from the new land application areas. Additionally, the City of Lone WWTP does not have additional storage for the wastewater flows from the Mule Creek State Prison, and is not likely to have extra capacity in the near future because the City's planned expansions are required to be dedicated for new development in Lone pursuant to WDRs Order R5-2013-0022. Therefore, the DEIR should evaluate the storage capacity of Preston Reservoir and demonstrate that it can accommodate the flows associated with spray field closure or include other storage capacity in the project if needed.

4) Construction Storm Water Permit

The DEIR (page 3.7-15) states:

New detention basins or ponds would temporarily detain stormwater runoff to allow sediment and other pollutants to settle and prevent them from flowing directly into receiving water bodies. The facilities would adhere to the requirements of the existing NPDES permit, including the associated monitoring and reporting program.

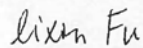
Robert Sleppy
Ca. Dept. of Corrections and Rehabilitation

- 4 -

7 August 2013

CDCR Mule Creek Prison does not have an NPDES permit and the current WDRs do not regulate discharges of storm water from the facility or the proposed construction project. CDCR will need to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (State Water Board Order 2009-0009-DWQ). Construction activity resulting in a land disturbance of one acre or more must obtain the coverage under the Order. Construction activity includes clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared.

If you have any questions about the storm water program, please call Steve Rosenbaum at (916) 464-4631. Additional information is available via the Internet at the Regional Board's Storm Water website http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/. If you have any questions about other permits, please contact Lixin Fu at (916) 464-4689 or lfu@waterboards.ca.gov.



LIXIN FU, P.E.
Water Resource Control Engineer
Waste Discharge to Land Permitting Section

cc: State Clearinghouse, Sacramento
Michael Israel, Amador County Environmental Health Department, Jackson
Ed Pattison, City of Ione, Ione
Sean Rabe, Amador Regional Sanitation Agency, Sutter Creek
James Maynard, City of Ione Attorney, Sacramento

**Letter
S7
Response**

Scott Morgan, California State Clearinghouse
August 8, 2013

- S7-1 This letter forwarded a copy of the comment letter from the Central Valley RWQCB, which has been addressed in this document as Letter S6. Please refer to Responses to Comments for Letter S6, above, for responses to the attached Central Valley RWQCB letter.

S8



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Memorandum

Date: August 8, 2013
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2012122038
Level II Infill Correctional Facilities Project

Pursuant to the attached letter, the Lead Agency has *extended* the review period for the above referenced project to **August 19, 2013** to accommodate the review process. All other project information remains the same.

Please contact the Lead Agency for further information if you no longer have the project.

S8-1

cc: Robert Sleppy
California Department of Correction and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento CA 95827

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2012122038

Project Title: Level II Infill Correctional Facilities Project

Lead Agency: California Department of Corrections and Rehabilitation

Contact Person: Robert Sleppey

Mailing Address: 9838 Old Placerville Road, Suite B

Phone: (916) 255-1141

City: Sacramento

Zip: 95827

County: Sacramento

Project Location: County: Multiple

City/Nearest Community: Chino, Folsom, Vacaville, Lone, San Diego

Cross Streets: Multiple

Zip Code: Multiple

Longitude/Latitude (degrees, minutes and seconds): _____ " N / _____ " W Total Acres: _____

Assessor's Parcel No.: Multiple Section: _____ Twp: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: Multiple Waterways: Multiple

Airports: Chino Airport, Brown Field Railways: Multiple Schools: Multiple

Document Type:

CEQA: ☐ NOP ☒ Draft EIR ☐ NOI ☐ Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ Final Document
☐ Neg Dec ☐ (Prior SCH No.) ☐ Draft EIS ☐ Other:
☐ Mit Neg Dec Other: STATE CLEARINGHOUSE

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☒ Other State Prison Dev

Development Type:

☐ Residential: Units _____ Acres _____ Employees _____
☐ Office: Sq. ft. _____ Acres _____ Employees _____
☐ Commercial: Sq. ft. _____ Acres _____ Employees _____
☐ Industrial: Sq. ft. _____ Acres _____ Employees _____
☐ Educational: _____
☐ Recreational: _____
☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ MW _____
☐ Waste Treatment: Type _____ MGD _____
☐ Hazardous Waste: Type _____
☒ Other: State Prison Infill Expansion Projects

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☒ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☒ Sewer Capacity ☒ Wetland/Riparian
☐ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☒ Economic/Job ☒ Public Services/Facilities ☐ Other: _____

Present Land Use/Zoning/General Plan Designation:

Existing CDR State Prisons

Project Description: (please use a separate page if necessary)
 The proposed project would involve the development of a total of 2,376 level II inmate beds on existing CDCR property. The EIR evaluates construction of level II infill correctional facilities at five potential sites at existing prisons across the state (RJ Donovan, California Institution for Men, Mule Creek State Prison, Folsom State Prison/CSP Sacramento, and California Medical Facility/CSP Solano). CDCR has proposed the construction of a 792-bed level II infill correctional facility at RJ Donovan in south San Diego County and a 1,584-bed complex at Mule Creek State Prison. The proposed correctional facilities would operate 24 hours a day, year-round, with three 8-hour shifts (watches).

State Clearinghouse Contact:

(916) 445-0613

State Review Began:

6-21-2013

SCH COMPLIANCE

6-16-2013

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2012122038

Please forward late comments directly to the Lead Agency

AQMD/APCD

(Resources: C-72)

Project Sent to the following State Agencies

☒ Resources ☐ State/Consumer Svcs
☐ Boating & Waterways ☐ General Services
☐ Coastal Comm ☐ Cal EPA
☐ Colorado Rvr Bd ☐ ARB: Airport/Energy Projects
☐ Conservation ☐ ARB: Transportation Projects
☒ CDFW # 10 ☐ ARB: Major Industrial Projects
☐ Delta Protection Comm ☐ SWRCB: Div Financial Assist.
☐ Cal Fire ☒ SWRCB: Wtr Quality
☒ Historic Preservation ☐ SWRCB: Wtr Rights
☒ Parks & Rec ☐ Reg. WQCB # _____
☐ Central Valley Flood Prot. ☒ Toxic Sub Ctl-CTC
☐ Bay Cons & Dev Comm. ☐ Yth/Adlt Corrections
☒ DWR ☐ Corrections
☒ Cal EMA ☐ _____
☒ Resources, Recycling and Recovery ☐ _____
☐ Bus Transp Hous ☐ Independent Comm
☒ Aeronautics ☐ Energy Commission
☒ CHP ☒ NAHC
☐ Caltrans # _____ ☐ Public Utilities Comm
☒ Trans Planning ☒ State Lands Comm
☒ Housing & Com Dev ☒ Tahoe Rgl Plan Agency
☐ Food & Agriculture ☐ _____
☐ Public Health ☐ _____
☐ _____ ☐ Conservancy
☐ _____ ☐ Other: _____

**Letter
S8
Response**

Scott Morgan, California State Clearinghouse
August 8, 2013

S8-1 OPR's acknowledgement of the extension of the review period for the DEIR is noted.